

# JUDGE SAND

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROSETTA CAMPBELLE

Plaintiff

-against-

THE NEW YORK CITY TRANSIT AUTHORITY  
and THE CITY OF NEW YORK

Defendants

COMPLAINT  
DOCKET #

MAY 30 2007

Plaintiff Rosetta Campbelle, by her attorney Joseph Fleming, Esq., P.C., as and for her complaint against the Defendants, alleges as follows:

1. At all times hereinafter alleged Plaintiff was a resident of the State of New York, residing at 1866 Schenectady Avenue, in the County of Kings. Plaintiff is now a resident of the State of Virginia, residing at 209 Timberlake Drive, Danville, Virginia, in the County of Pittsylvania.
2. Defendant is an agency or department of the City of New York providing ground transportation services to members of the general public.
3. The jurisdiction of this Court is invoked pursuant to 28 USC 1322, Diversity of Citizenship, in that Plaintiff is a resident of the State of Virginia, and the Defendant is an agency or Department of the City of New York in the State of New York. The amount in controversy exceeds \$50,000.00.
4. All jurisdictional prerequisites to the institution of this action have been met in that

pursuant to New York City Code, the Plaintiff has filed a Notice of Claim with the City of New York and the New York City Transit Authority, a copy of which is attached hereto and made a part hereof as Exhibit A. Plaintiff's claims have not been adjusted or paid by the Defendant and this action is commenced within one (1) year and ninety (90) days of September 22, 2006, the date the Plaintiff's cause of action arose.

**AS AND FOR PLAINTIFF'S CAUSE OF ACTION**

5. On the 23<sup>rd</sup> Day of June 2006, at approximately 2:00 a.m., the Plaintiff was lawfully upon a bus owned, maintained and operated by the Defendant.

6. Said bus was operated on what is known as the BB Line and designated as Route B46.

7. At said date and time, said bus was traveling northbound along Fulton Street in the County of Kings, when it stopped at the bus stop at Fulton Street and Utica Avenue. At said time and place, Plaintiff, who was on the bus with her husband Wayne Campbelle, sought to get off the bus through the rear exit door. When stepping down and while exercising all due caution and care, the Plaintiff lost her footing on a slippery substance on the steps and fell suffering the injuries hereinafter described.

8. As a result of the Defendant's negligence and through no negligence on the part of the Plaintiff whatsoever, the Plaintiff suffered the following injuries:

1. Fractured Tail Bone;
2. Bruises, Contusions and Lacerations; and,
3. Fractured Toe.

9. The Defendant's negligence as aforesaid consisted of the Defendant's failure to properly

inspect, maintain and clean the bus upon which the Plaintiff was riding, such negligence creating and allowing to exist, a hazardous condition, causing Plaintiff to suffer the injuries herein above described.

10. As a consequence of the Defendant's negligence as aforesaid, the Plaintiff has been rendered sick, lame and disabled and unable to function as she did prior to her injuries. Which injuries, upon information and belief, are permanent.

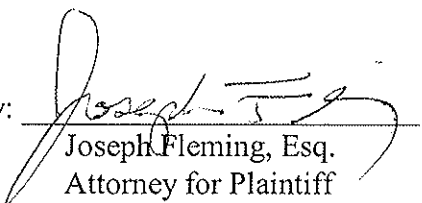
11. By reason of the foregoing, the Plaintiff has been injured and is entitled to monetary damages in the amount of Six Million Dollars (\$16,000,000.00).

**WHEREFORE**, Plaintiff demands judgment against Defendant in the amount of Six Million Dollars (\$16,000,000.00), plus costs, disbursements, attorney's fees, and such other and further relief as is just and equitable.

Dated: New York, New York  
May 15, 2007

Yours, etc.,

Joseph Fleming, Esq., P.C.

By:   
Joseph Fleming, Esq.  
Attorney for Plaintiff  
116 John Street, Suite 2830  
New York, NY 10038  
212-385-8036  
JF:9542



**NOTICE OF CLAIM  
AGAINST THE NEW YORK CITY TRANSIT AUTHORITY AND THE CITY OF NEW  
YORK ARISING OUT OF NEGLIGENCE RESULTING IN SEVERE PERSONAL  
INJURIES**

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IN THE MATTER OF THE CLAIM OF  
ROSETTA CAMPBELLE

Claimant,

-against-

THE NEW YORK CITY TRANSIT AUTHORITY,  
AND THE CITY OF NEW YORK

Respondents.

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TO: **NEW YORK CITY TRANSIT AUTHORITY**

Law Department - Torts Division  
130 Livingston Street, Room 10034  
Brooklyn, NY 11201

**MICHAEL A. CARDOZO, ESQ.**

City of New York, Corporation Counsel  
Law Department  
100 Church Street  
New York, NY 10007

**WILLIAM C. THOMPSON, JR.**

Comptroller for the City of New York  
Municipal Building, Room 530  
One Centre Street  
New York, NY 10007

**PLEASE TAKE NOTICE**, that **Rosetta Campbelle**, hereby makes a claim and demand against The New York City Transit Authority and the City of New York, as follows:

**1. The name and post-office address of Claimant and Claimant's attorney is:**

Claimant: Rosetta Campbelle, is 1866 Schenectady Avenue, Brooklyn, NY

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CITY OF NEW YORK  
OFFICE OF THE CORPORATION COUNSEL  
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06 SEP 22 PM 3:16  
SERVICE ACCEPTANCE FOR NYCT ONLY  
CITY OF NEW YORK  
OFFICE OF THE CORPORATION COUNSEL  
BUREAU OF LEGAL SYSTEMS

11234.

Claimant's Attorney: Joseph Fleming, Esq., P.C., 45 John Street, Suite 205, New York, New York 10038, (212) 385-8036

2. **The nature of the claim:** Rosetta Campbelle's claim is for negligence of the Respondent in failing to properly inspect and maintain a bus owned and operated by the Respondents and upon which Claimant was lawfully riding as a passenger, such negligence resulting in severe personal injuries to Claimant.

3. **The time when, the place where and the manner in which the claim arose:** On June 23, 2006, at 2:00 a.m., Claimant sustained injuries while exiting a northbound bus owned and operated by the Respondent at a bus stop located at Fulton and Utica, in the City and State of New York, County of Kings.

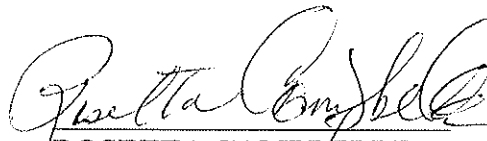
4. **The items of damage or injuries claimed:** At the time of the occurrence hereinafter documented, the said Claimant was on her way to the airport when she attempted to exit the bus and slipped and fell on a wet substance exiting therein. The Claimant's injuries consisted of contusions and bruises to her back, fractured tail bone and toe.

5. **Claimant's damages are as follows:**

Medical Expenses:	Not yet known
Pain and suffering:	\$3,000,000.00

**WHEREFORE**, Claimant requests, that the said The New York City Transit Authority and The City of New honor and pay the claim of Rosetta Campbelle.

Dated: New York, New York  
September 21, 2006

  
**ROSETTA CAMPBELLE**  
1866 Schenectady Avenue  
Brooklyn, NY 11234


**JOSEPH FLEMING, ESQ., P.C.**  
Attorney for Claimant  
45 John Street, Suite 205  
New York, NY 10038  
(212) 385-8036

VERIFICATION

STATE OF NEW YORK )  
 )SS.:  
COUNTY OF NEW YORK)

ROSETTA CAMPBELLE, being duly sworn and says that deponent is the Claimant in the within action; that she has read the foregoing Notice of Claim, and know the contents thereof; that the same is true to deponents' own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponents believes them to be true.

Sworn To Before Me This  
22<sup>nd</sup> Day of September 2006

  
NOTARY

DRUCILLA MACK  
Commissioner of Deeds, New York City  
No 3-5203  
Term Expires July 1, 1928  
Aug.

**NOTICE OF CLAIM  
AGAINST THE NEW YORK CITY TRANSIT AUTHORITY AND THE CITY OF NEW  
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CITY OF NEW YORK

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COMPTROLLER'S OFFICE  
CENTRAL RECORDS FACILITY  
BUREAU OF RECORDS SYSTEMS

**JOSEPH FLEMING, ESQ., P.C.**

Attorney for Claimant  
45 John Street, Suite 205  
New York, NY 10038  
(212) 385-8036



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROSETTA CAMPBELLE

Plaintiff

-against-

SUMMONS AND COMPLAINT

THE NEW YORK CITY TRANSIT AUTHORITY and  
THE CITY OF NEW YORK

Defendants

**JOSEPH FLEMING, ESQ., P.C.**  
Attorney(s) for Plaintiff

116 John Street Suite 2830  
New York, New York 10038  
(212) 385-8036

To:

Service of a copy of the within  
is hereby admitted

Dated: \_\_\_\_\_, \_\_\_\_\_

Attorney (s) for \_\_\_\_\_

**PLEASE TAKE NOTICE**

o **NOTICE OF ENTRY**

that the within is a (verified) true copy of a  
duly entered in the office of the clerk of the within named court on \_\_\_\_\_

o **NOTICE OF SETTLEMENT**

after an order  
will be presented for a settlement to the HON.

of which the within is a true copy

To

Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

Attorney(s) for \_\_\_\_\_